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UNITED STATES DISTRICT COURT

## DISTRICT OF NEVADA

Terrence Bowser,

Petitioner,

v.

Jerry Howell, et al.,

Respondents.

Case No.: 2:20-cv-01169-JAD-BNW

**Order Dismissing Improperly Commenced  
Habeas Proceeding**

Petitioner, a Nevada prisoner, has submitted a petition for writ of habeas corpus under 28 U.S.C. § 2254.<sup>1</sup> Petitioner has not filed an application to proceed *in forma pauperis* or paid the filing fee.<sup>2</sup> Instead, petitioner has included a letter (with two attached receipts) with his petition stating that he already paid the fee in relation to another case that was dismissed: 2:20-cv-00863-KJD-DJA.<sup>3</sup> Neither of the two receipts, however, were issued by the court, and the court's records indicate that the court has not received a filing fee in either case. As a result, this matter has not been properly commenced and must be dismissed without prejudice to the petitioner's ability to file a habeas petition in a new action with either the \$5.00 filing fee or a completed application to proceed *in forma pauperis* on the proper form with both an inmate account statement for the past six months and a properly executed financial certificate.

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<sup>1</sup> ECF No. 1-1.

<sup>2</sup> See 28 U.S.C. § 1915(a)(2) and Local Rules LSR 1-1, 1-2.

<sup>3</sup> ECF No. 1.


1 IT IS THEREFORE ORDERED that this action is dismissed without prejudice to the  
2 filing of a petition in a **new** action with either the \$5.00 filing fee or a properly completed  
3 application form to proceed *in forma pauperis*.

4 IT IS FURTHER ORDERED that a certificate of appealability is denied, as jurists of  
5 reason would not find the court's dismissal of this improperly commenced action without  
6 prejudice to be debatable or incorrect.

7 IT IS FURTHER ORDERED that **the Clerk is directed to:**

- 8 • **Send** petitioner two copies each of an application form to proceed in forma pauperis for  
9 incarcerated persons and a noncapital Section 2254 habeas petition form, one copy of the  
10 instructions for each form, and a copy of the papers that he submitted in this action; and  
11 • ENTER JUDGMENT accordingly and CLOSE THIS CASE.

12 Dated: June 26, 2020

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14 U.S. District Judge Jennifer A. Dorsey  
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